

M. PATRICIA THAYER (SBN 90818)  
[pthayer@sidley.com](mailto:pthayer@sidley.com)  
SIDLEY & AUSTIN LLP  
555 California Street  
San Francisco, CA 94104  
Telephone: (415) 772-1200  
Facsimile: (415) 772-7400

JEFFREY P. KUSHAN  
[jkushan@sidley.com](mailto:jkushan@sidley.com)  
SIDLEY AUSTIN LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 736-8000  
Facsimile: (202) 736-8711

SAMUEL N. TIU (SBN 216291)  
[stiu@sidley.com](mailto:stiu@sidley.com)

TASHICA T. WILLIAMS (SBN 265449)  
[ttwilliams@sidley.com](mailto:ttwilliams@sidley.com)  
SIDLEY AUSTIN LLP  
555 West Fifth Street, Suite 4000  
Los Angeles, CA 90013  
Telephone: (213) 896-6000  
Facsimile: (213) 896-6600

Attorneys for Plaintiff  
GENENTECH, INC.

ROBERT A. VAN NEST (SBN 84065)  
[rvannest@kvn.com](mailto:rvannest@kvn.com)  
ASHOK RAMANI (SBN 200020)  
[aramani@kvn.com](mailto:aramani@kvn.com)  
DAN E. JACKSON (SBN 216091)  
[djackson@kvn.com](mailto:djackson@kvn.com)  
SARAH B. FAULKNER (SBN 263857)  
[sfaulkner@kvn.com](mailto:sfaulkner@kvn.com)  
KEKER & VAN NEST LLP  
710 Sansome Street  
San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GENENTECH, INC.,

Plaintiff,

v.

THE TRUSTEES OF THE UNIVERSITY OF  
PENNSYLVANIA, a Pennsylvania non-profit  
corporation,

Defendant.

Case No. 5:10-CV-2037-LHK (PSG)

**ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PLAINTIFF'S NOTICE OF  
MOTION AND MOTION TO COMPEL;  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF;  
AND CONFIDENTIAL EXHIBITS CITED  
IN THE DECLARATION OF SARAH B.  
FAULKNER**

Dept: Courtroom 5, 4<sup>th</sup> Floor  
Judge: Hon. Paul S. Grewal  
Date Comp. Filed: May 11, 2010  
Trial Date: None set

**MOTION TO FILE UNDER SEAL**

Plaintiff Genentech, Inc. submits this Request under Civil Local Rules 7-11 and 79-5 to file documents under seal in connection with its Motion to Compel Responses to Interrogatory Number Two and Request for Production Numbers 35 and 68. Genentech makes this Request in a good-faith effort to maintain the confidentiality of documents relied upon in Genentech's Notice of Motion and Motion to Compel, Memorandum of Points and Authorities, and certain exhibits cited in the Declaration of Sarah B. Faulkner that have been designated as Confidential or Highly Confidential by Defendant University of Pennsylvania or a third party in this case. Genentech does not seek to seal *any* of its own documents, so this motion is brought under Civil Local Rule 79-5(d)—therefore, Genentech has filed neither a supporting declaration that explains why the materials should be maintained under seal, nor a narrowly-tailored proposed sealing order.

**A. Motion to Compel and Memorandum of Points and Authorities in Support thereof**

Genentech's Notice of Motion and Motion to Compel; Memorandum of Points and Authorities directly cite documents marked as Confidential or Highly Confidential under the parties' Protective Order. Accordingly, Genentech is obligated to lodge these documents with the Court with a request to file it under seal, pursuant to Civil Local Rule 79-5.

**B. Exhibits to Declaration of Sarah B. Faulkner in support of Genentech's Motion to Compel**

Concurrently filed in support of Genentech's Motion to Compel is the Declaration of Sarah B. Faulkner, which attaches four documents that have been designated Confidential or Highly Confidential by University of Pennsylvania under the Protective Order.

**Exhibit P:** This exhibit contain excerpts and exhibits from the deposition testimony of Gail Massey, 30(b)(6) witness for the Trustees of the University of Pennsylvania, and was designated as Confidential under the Protective Order. Under the Protective Order, Genentech is obligated to lodge these documents with the Court with a request to file them under seal, pursuant to Civil Local Rule 79-5.

1           **Exhibits R, S and T** These exhibits constitute documents produced by University of  
2 Pennsylvania and were designated Highly Confidential under the Protective Order. Under the  
3 Protective Order, Genentech is obligated to lodge these documents with the Court with a request  
4 to file them under seal, pursuant to Civil Local Rule 79-5.

Genentech respectfully requests that the Court order that the Clerk of the Court maintain each of the above documents in accordance with the provisions of Local Civil Rule 79-5(d).

Dated: April 19, 2011

Respectfully submitted,

By: /s/ Sarah B. Faulkner

SARAH B. FAULKNER (SBN 263857)  
ROBERT A. VAN NEST (SBN 84065)  
ASHOK RAMANI (SBN 200020)  
NIKKI K. VO (SBN 239543)  
KEKER & VAN NEST LLP  
710 Sansome Street  
San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

M. PATRICIA THAYER (SBN 90818)  
SIDLEY & AUSTIN LLP  
555 California Street  
San Francisco, CA 94104  
Telephone: (415) 772-1200  
Facsimile: (415) 772-7400

SAMUEL N. TIU (SBN 216291)  
TASHICA T. WILLIAMS (SBN 265449)  
SIDLEY AUSTIN LLP  
555 West Fifth Street, Suite 4000  
Los Angeles, CA 90013  
Telephone: (213) 896-6000  
Facsimile: (213) 896-6600

Attorneys for Plaintiff  
GENENTECH, INC.